

American Medical Association

Physicians dedicated to the health of America



August 6, 2003

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Commissioners:

The American Medical Association [AMA], an Illinois non-profit corporation and the largest US professional association of physicians and medical students, submits this comment in support of the Petition for Emergency Clarification [Petition] filed July 25, 2003 by the American Society of Association Executives [CG Docket No., 02-278]. The AMA currently makes extensive use of facsimile communications to interact with its approximately 260,000 members in furtherance of its tax exempt purposes including advocacy, education, ethics and science.

Without the relief requested in the Petition, the AMA's continued use of facsimile communications is likely to be severely disrupted with a resulting significant financial burden to establish processes necessary to comply with the Federal Communications Commission's final rule regarding unsolicited facsimile communications [Final Rule] pursuant to the Telephone Consumer Protection Act of 1991 [TCPA]. The immediate practical consequence of the Final Rule will be a substantial impairment of the AMA's ability to discharge the purposes for which it has been organized and existed since 1847.

In particular, the AMA notes the lack of any statutory basis under the TCPA for the Final Rule's application to facsimile communications of a tax exempt non-profit organization which are pursuant to the organization's purposes. The TCPA specifically refers to unsolicited facsimiles advertising the commercial availability of property, goods or services.

The AMA respectfully urges the Commission to promptly clarify [i] its Final Rule does not extend to facsimile communications by tax exempt non-profit organizations which are consistent with an organization's purposes and [ii] such communications are not covered by the TCPA's definition of "unsolicited advertisement".

Sincerely,

Michael D. Maves, MD, MBA
Executive Vice President, CEO